



March 14, 2003
Case No.: 11 010006 (7790/226)
Serial No.: 10/070,867
Filed: March 12, 2002
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REMARKS/DISCUSSION OF ISSUES

The present amendment replies to a Non-Final Office Action dated November 14, 2002. Claims 1-13 are currently pending in the present application. Claims 1-13 have been amended for non-statutory reasons, to place them in standard U.S. patent practice format.

In the Non-Final Office Action, Examiner Wamsley rejected pending claims 1-13 as being unpatentable over a publication entitled "MPEG-4 Overview - (Dublin Version)" to *Koenen* in view of a publication entitled "Error Control and Concealment for Image Transmission" to *Debrunner* et al. The Applicant has thoroughly considered Examiner Wamsley' remarks concerning the patentability of claims 1-13 over *Koenen* in view of *Debrunner*. The Applicant has also thoroughly read *Koenen* and *Debrunner*. To warrant this 35 U.S.C. §103(a) rejection of claims 1-13, all the claim limitations recited in independent claims 1, 6, and 8-13 must be taught or suggested by the combination of *Koenen* and *Debrunner*. See, MPEP §2143. The Applicant respectfully traverses this 35 U.S.C. §103(a) rejection of claims 1-13, because the combination of *Koenen* and *Debrunner* fails to teach or suggest the following limitations of independent claims 1, 6, and 8-13:

1. "including (14, 20) length information (lf) concerning respective lengths of the respective partitions in the coded data stream (WS1, WS2)" as recited in independent claim 6;
2. "the coded data stream further includes length information (lf) concerning respective lengths of the respective partitions in the coded data stream", "reading (40) the length information (lf)", and "channel decoding (31) the coded data stream (WS1, WS2) using the length information (lf) to obtain a decoded data stream (S1, S2)" as recited in independent claim 8;

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3. "means (14, 20) for including length information (If) concerning respective lengths of the respective partitions in the coded data stream (WS1, WS2)" as recited in independent claims 8 and 10;
4. "the coded data stream further including length information (If) concerning respective lengths of the respective partitions in the coded data stream", "means (40) for reading the length information", and "means (31) for channel decoding the coded data stream (WS1, WS2) using the length information (If) to obtain a decoded data stream (S1, S2)" as recited in independent claims 9 and 11; and
5. "the coded data stream further comprising length information (If) concerning respective lengths of the respective partitions in the coded data stream" as recited in independent claims 12 and 13.

Specifically, Examiner Wamsley correctly recognized the failure of *Koenen* to teach or suggest the aforementioned limitations of independent claims 1, 6, and 8-13. However, Examiner Wamsley mistakenly read *Debrunner* as teaching and suggesting the aforementioned limitations of independent claims 1, 6, and 8-13. A review of *Debrunner* reveals that the description of unequal error protection (UEP) by *Debrunner* as set forth on pages 5 and 6 under "Joint Source-Channel Coding Scheme" does not include a teaching or suggestion of including partition length information in coded data streams as asserted by Examiner Wamsley. In fact, this UEP description by *Debrunner* is analogous to the prior art description of UEP provided by U.S. Patent Application Serial No. 10/070,867 at page 3, line 13-33.

Withdrawal of the rejection of independent claims 1, 6 and 8-13 under 35 U.S.C. §103(a) as being unpatentable over *Koenen* in view of *Debrunner* is therefore respectfully requested.

Claims 2-5 depend from independent claim 1. Therefore, dependent claims 2-5 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2-5 are allowable over *Koenen* in view of *Debrunner* is therefore for at least the same reason as set forth with respect to independent claim 1. Withdrawal of the rejection of dependent claims 2-5 under 35 U.S.C. §103(a) as being unpatentable over *Koenen* in view of *Debrunner* is therefore requested.

Claim 7 depends from independent claim 6. Therefore, dependent claim 7 includes all of the elements and limitations of independent claim 7. It is therefore respectfully submitted by the Applicant that dependent claim 7 is allowable over *Koenen* in view of *Debrunner* is therefore for at least the same reason as set forth with respect to independent claim 6. Withdrawal of the rejection of dependent claim 7 under 35 U.S.C. §103(a) as being unpatentable over *Koenen* in view of *Debrunner* is therefore requested.



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SUMMARY

Examiner Wamsley's objections to the application have been obviated by the concurrent submission of a substitute specification and a proposed drawing correction. Examiner Wamsley's 35 U.S.C. §103(a) rejection of claims 1-13 have been obviated by the remarks herein concerning the patentability of claim 1-13 over *Koenen* in view of *Debrunner*. The Applicant respectfully submits that claims 1-13 added herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Wamsley is respectfully requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,
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